

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

Mr. Larry Lawson, Director  
Division of Water Program Coordination  
Virginia Department of Environmental Quality  
629 Main Street  
Richmond, VA 23219

Dear Mr. Lawson:

The Environmental Protection Agency (EPA) Region III is pleased to approve the Total Maximum Daily Load (TMDL) report for the primary contact use (bacteria) impairment on Roses Creek. The TMDL report was submitted to EPA for review in April 2004. The TMDL was established and submitted in accordance with Section 303(d)(1)(c) and (2) of the Clean Water Act to address an impairment of water quality as identified in Virginia's 1998 Section 303(d) list.

In accordance with Federal regulations at 40 CFR §130.7, a TMDL must comply with the following requirements: (1) designed to attain and maintain the applicable water quality standards, (2) include a total allowable loading and as appropriate, wasteload allocations (WLAs) for point sources and load allocations for nonpoint sources, (3) consider the impacts of background pollutant contributions, (4) take critical stream conditions into account (the conditions when water quality is most likely to be violated), (5) consider seasonal variations, (6) include a margin of safety (which accounts for uncertainties in the relationship between pollutant loads and instream water quality), (7) consider reasonable assurance that the TMDL can be met, and (8) be subject to public participation. The enclosure to this letter describes how the TMDL for the primary contact use impairment satisfies each of these requirements.

Following the approval of the TMDL, Virginia shall incorporate the TMDL into an appropriate Water Quality Management Plan pursuant to 40 CFR § 130.7(d)(2). As you know, all new or revised National Pollutant Discharge Elimination System permits must be consistent with the TMDL WLA pursuant to 40 CFR §122.44 (d)(1)(vii)(B). Please submit all such permits to EPA for review as per EPA's letter dated October 1, 1998.



If you have any questions or comments concerning this letter, please don't hesitate to contact Mr. Thomas Henry at (215) 814-5752.

Sincerely,

Jon M. Capacasa, Director  
Water Protection Division

Enclosure



## **Decision Rationale**

### **Total Maximum Daily Loads for the Primary Contact Use (Bacteriological) Impairments on Roses Creek**

#### **I. Introduction**

The Clean Water Act (CWA) requires a Total Maximum Daily Load (TMDL) be developed for those water bodies identified as impaired by a state where technology-based and other controls will not provide for attainment of water quality standards. A TMDL is a determination of the amount of a pollutant from point, nonpoint, and natural background sources, including a margin of safety (MOS), that may be discharged to a water quality-limited water body.

This document will set forth the Environmental Protection Agency's (EPA's) rationale for approving the TMDL for the primary contact use (bacteriological) impairment on Roses Creek. EPA's rationale is based on the determination that the TMDL meets the following eight regulatory conditions pursuant to 40 CFR §130.

- 1) The TMDL is designed to implement applicable water quality standards.
- 2) The TMDL includes a total allowable load as well as individual waste load allocations and load allocations.
- 3) The TMDL considers the impacts of background pollutant contributions.
- 4) The TMDL considers critical environmental conditions.
- 5) The TMDL considers seasonal environmental variations.
- 6) The TMDL includes a margin of safety.
- 7) There is reasonable assurance that the TMDL can be met.
- 8) The TMDL has been subject to public participation.

#### **II. Background**

The Roses Creek Watershed is located in Brunswick County, Virginia. Roses Creek is a within the Meherrin River Basin. The impaired segment of Roses Creek begins just below the discharge point of the Alberta Sewage Treatment Plant (STP) and continues to its mouth which is its confluence with Great Creek. The 18,000-acre watershed is rural with forested and agricultural lands making up 74 and 19 percent of the watershed respectively. The remainder of the watershed is split evenly between developed and wetlands. There is one point source discharging bacteria in the watershed.

In response to Section 303(d) of the CWA, the Virginia Department of Environmental Quality (VADEQ) listed 9.85 miles of Roses Creek (VAP-K07R) on Virginia's 1996 Section 303(d) list as being unable to attain its primary contact use. This decision was based on observed violations of the Commonwealth's bacteriological criteria. At the time of its listing, the bacteria

criteria used fecal coliform as an indicator species and had an instantaneous standard 1,000 colony forming units (cfu) per 100 milliliters (ml) and geometric mean standard of 200 cfu/100ml. The stream was included on Virginia's 1998 and 2002 Section 303(d) Lists as well.

Fecal coliform is a bacterium which can be found within the intestinal tract of all warm blooded animals. Therefore, fecal coliform can be found in the fecal wastes of all warm blooded animals. Fecal coliform in itself is not a pathogenic organism. However, fecal coliform indicates the presence of fecal wastes and the potential for the existence of other pathogenic bacteria. The higher concentrations of fecal coliform indicate the elevated likelihood of increased pathogenic organisms.

EPA encouraged the states to use e-coli and enterococci as the indicator species instead of fecal coliform. A better correlation was drawn between the concentrations of e-coli and enterococci, and the incidence of gastrointestinal illness. The Commonwealth adopted e-coli and enterococci criteria in January 2003. According to the new criteria, streams will be evaluated via the e-coli and enterococci criteria after 12 samples have been collected using these indicator species. Twelve e-coli samples have been collected from Roses Creek, and it is therefore being assessed according to the new criteria.

As Virginia designates all of its waters for primary contact, all waters were required to meet the bacteriological criteria for primary contact. Virginia's criteria is applied to all streams designated as primary contact for all flows. The e-coli criteria requires a geometric mean concentration of 126 cfu/100mL of water with no sample exceeding 235 cfu/100 ml of water. Unlike the new fecal coliform criteria, which allows for a 10% violation rate, the new e-coli criteria requires the concentration of e-coli not exceed 235 cfu/ 100mL of water.

Although the TMDL and criteria require the 235 cfu/100 ml of water concentration limit not be exceeded, waters are not placed on the Section 303(d) list if their violation rate does not exceed 10%. Therefore, Roses Creek may be deemed as attaining its primary contact use prior to the implementation of all of the TMDL reductions. It is necessary to keep this in mind because of the level of reductions required to attain the instantaneous criteria in the model.

The TMDL submitted by Virginia is designed to determine the acceptable load of e-coli which can be delivered to the impaired waters, as demonstrated by the Hydrologic Simulation Program Fortran (HSPF)<sup>1</sup>, in order to ensure that the water quality standard is attained and maintained. HSPF is considered an appropriate model to analyze the impaired water because of its dynamic ability to simulate both watershed loading and receiving water quality over a wide range of conditions. The model was run to determine the fecal coliform loading to Roses Creek. The loads were then converted to e-coli using a translation equation that was established by the Commonwealth.

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<sup>1</sup>Bicknell, B.R., J.C. Imhoff, J.L. Little, and R.C. Johanson. 1993. Hydrologic Simulation Program-FORTRAN (HSPF): User's Manual for release 10.0. EPA 600/3-84-066. U.S. Environmental Protection Agency, Environmental Research Laboratory, Athens, GA.

The TMDL analysis allocates the application/deposition of fecal coliform to land based and instream sources. For land based sources, the HSPF model accounts for the buildup and washoff of pollutants from these areas. Buildup (accumulation) refers to all of the complex spectrum of dry-weather processes that deposit or remove (die-off) pollutants between storms.<sup>2</sup> Washoff is the removal of fecal coliform which occurs as a result of runoff associated with storm events. These two processes allow the HSPF model to determine the amount of fecal coliform from land based sources which is reaching the stream. Point sources and wastes deposited directly to the stream are treated as direct deposits. Wastes which are deposited directly to the stream do not need a transport mechanism.

Local rainfall and temperature data were needed to develop the model. Weather data provides the rainfall data which drives the TMDL model. Hourly weather data was obtained from the Lynchburg Airport and John H. Kerr dam weather stations. The data were combined and distanced weighted for use in the model.

Stream flow data was not available for Roses Creek, therefore, a paired watershed approach was used. The hydrology model was calibrated to the observed flow collected at a United States Geological Survey (USGS) gage located on Falling River. The Falling River model was developed using weather data from the stations mentioned above. The calibration period for the model was from January 1997 through December 1998 and validated against gage data from January 1996 through December 1996. The model performed fairly well when compared to observed data, however the model was unable to replicate the stormflows in either the calibration or validation. The model was then transferred to Roses Creek where bacterial loading and watershed information were added for the development of the water quality model. The Roses Creek water quality model was calibrated to water quality data collected near the mouth of the watershed from 1995 through 1996. The model was then validated against water quality data collected from 1998 through 2000. It should be noted that the model output compared average daily concentrations to the grab samples collected by DEQ. Therefore, the comparison was not direct.

The TMDL was modeled using fecal coliform loading rates as was done in previous TMDL efforts. The fecal coliform concentrations were then converted to e-coli concentrations using a translator equation developed by VADEQ. Significant reductions in the modeled load were required in order for Roses Creek to attain the new e-coli criteria in the model. More stringent reductions were required to meet the instantaneous standard than the geometric mean. Using the 10 percent violation rate provides minimal relief.

Table 1 - Summarizes the Specific Elements of the TMDL.

Segment	Parameter	TMDL (cfu/yr)	WLA (cfu/yr)	LA (cfu/yr)	MOS
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<sup>2</sup>CH2MHILL, 2000. Fecal Coliform TMDL Development for Cedar, Hall, Byers, and Hutton Creeks Virginia,

Roses Creek	E-Coli	8.23E+11	3.24E+10	7.91E+11	Implicit
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The United States Fish and Wildlife Service has been provided with copy of this TMDL.

### III. Discussion of Regulatory Conditions

EPA finds that Virginia has provided sufficient information to meet all of the eight basic requirements for establishing a primary contact (bacteriological) impairment TMDL for Roses Creek. EPA is therefore approving this TMDL. EPA's approval is outlined according to the regulatory requirements listed below.

*1) The TMDL is designed to meet the applicable water quality standards.*

Virginia has indicated that excessive levels of fecal coliform due to nonpoint sources (both wet weather and directly deposited nonpoint sources) have caused violations of the water quality criteria and designated uses in Roses Creek. The water quality criterion for fecal coliform was a geometric mean 200 cfu/100ml or an instantaneous standard of no more than 1,000 cfu/100ml. Two or more samples over a 30 day period are required for the geometric mean standard. Since the state rarely collects more than one sample over a thirty-day period, most of the samples were measured against the instantaneous standard. Approximately 50 percent of the samples collected from Roses Creek from 1994 through 2003 violated the applicable criteria.

The Commonwealth has changed its bacteriological criteria as indicated above. The new e-coli criteria requires a geometric mean of 126 cfu/100ml of water with no sample exceeding 235 cfu/100 ml.

The HSPF model was used to determine the fecal coliform deposition rates to the land as well as loadings to the stream from direct deposit sources. Once the existing load was determined allocations were assigned to each source category to develop a loading pattern that would allow Roses Creek to support the e-coli water quality criterion and primary contact use. The following discussion is intended to describe how controls on the loading of e-coli to Roses Creek will ensure that the criterion is attained.

The TMDL modelers determined the fecal coliform production rates within the watershed. Data used in the model was obtained from a wide array of sources, including farm practices in the area, the amount and concentration of farm animals, animal access to the stream, wildlife in the watershed, wildlife fecal production rates, landuses, weather, stream geometry, etc.. The model combined all of the data to determine the hydrology and water quality of the stream.

The lands within the watershed were categorized into specific landuses. The landuses had specific loading rates and characteristics that were defined by the modelers. Therefore, the loading rates are different in lands defined as forested versus pasture. Pasture lands support cattle and are influenced differently by stormwater runoff than forested areas. The amount of

cattle on the land, the time cattle spent on the land, and how much waste the cattle generated impacted the loading rate to the land.

For the hydrology model used in the TMDL, hourly weather data was obtained from the Lynchburg Airport and John H. Kerr dam weather stations. The data were combined and distanced weighted for use in the model. This data was used to determine the precipitation rates in the watershed. Rainfall transports the on land pollutants to the streams through overland and groundwater flows. Waste that was deposited to the land was subjected to a die-off rate. The longer fecal coliform stayed on the ground the greater the die-off was. Materials that were washed off the surface shortly after deposition were subjected to less die-off.

Stream flow data was not available for Roses Creek, therefore, a paired watershed approach was used. The hydrology model was calibrated to the observed flow collected at a United States Geological Survey (USGS) gage located on Falling River. The Falling River model was developed using weather data from the stations mentioned above. The calibration period for the model was from January 1997 through December 1998 and validated against gage data from January 1996 through December 1996. The model performed fairly well when compared to observed data, however the model was unable to replicate the stormflows in either the calibration or validation. Which impacts how the model addressed the nonpoint source loadings. The model was then transferred to Roses Creek where bacterial loading and watershed information were added for the development of the water quality model. The Roses Creek water quality model was calibrated to water quality data collected near the mouth of the watershed from 1995 through 1996. The model was then validated against water quality data collected from 1998 through 2000. It should be noted that the model output compared average daily concentrations to the grab samples collected by DEQ. Therefore, the comparison was not direct.

*2) The TMDL includes a total allowable load as well as individual waste load allocations and load allocations.*

#### Total Allowable Loads

Virginia indicates that the total allowable loading is the sum of the loads allocated to land based precipitation driven nonpoint source areas (forest and agricultural land segments) and point sources. Activities that increase the levels of bacteria to the land surface or their availability to runoff are considered flux sources. The actual value for total loading can be found in Table 1 of this document. The total allowable load is calculated on an annual basis.

#### Waste Load Allocations

There is one facility that is permitted to discharge e-coli to Roses Creek. The facility is the Alberta STP. The facility is permitted to discharge 100,000 gallons of effluent per day (gpd) with an e-coli concentration of 126 cfu/100ml. The WLA can be determined by multiplying the allowable flow by the allowable concentration by 365 after the appropriate unit conversions. It

should be noted that the concentration of bacteria in the effluent was often well below the permitted limit as documented in Figure 3-8 of the TMDL. Therefore, the facility may be providing an additional assimilative capacity to the stream. Table 2 documents the WLA for this facility.

EPA regulations require that an approvable TMDL include individual waste load allocations (WLAs) for each point source. According to 40 CFR 122.44(d)(1)(vii)(B), “Effluent limits developed to protect a narrative water quality criterion, a numeric water quality criterion, or both, are consistent with assumptions and requirements of any available WLA for the discharge prepared by the state and approved by EPA pursuant to 40 CFR 130.7.” Furthermore, EPA has authority to object to the issuance of any National Pollutant Discharge Elimination System (NPDES) permit that is inconsistent with the WLAs established for that point source.

Table 2 - WLA for Roses Creek (e-coli) TMDL

Facility	Permit Number	Flow (gpd)	WLA (cfu/yr)
Alberta STP	VA0026816	100,000	3.24E+10

#### Load Allocations

According to Federal regulations at 40 CFR 130.2(g), load allocations (LAs) are best estimates of the loading, which may range from reasonably accurate estimates to gross allotments, depending on the availability of data and appropriate techniques for predicting loading. Wherever possible, natural and nonpoint source loads should be distinguished.

In order to accurately simulate landscape processes and nonpoint source loadings, VADEQ used the HSPF model to represent the impaired watershed. The HSPF model is a comprehensive modeling system for the simulation of watershed hydrology, point and nonpoint source loadings, and receiving water quality. HSPF uses precipitation data for continuous and storm event simulation to determine total loading to the impaired segment from the various landuses within the watershed. Table 3 lists the LAs for Roses Creek. The reductions needed to insure that the instantaneous criteria is attained at all times (or 90 percent of the time) is extremely stringent. Based on the data provided in the TMDL, it appears as though the small stream segment above the Alberta STP is impaired as well. It is expected that the TMDL for Roses Creek will address that probable impairment as well, since the reductions are so stringent and applied universally through the watershed.

Table 3a - LA for Bacteria (e-coli) for Roses Creek

Source Category	Existing Load (cfu/yr)	Proposed Load (cfu/yr)	Percent Reduction

Livestock Direct Deposit	4.21E+09	0.00	100
Wildlife Direct Deposit	2.64E+08	2.64E+08	0
Failed Septic Systems	7.70E+05	0.00	100
Developed	8.04E+12	2.37E+11	97
Cropland	1.70E+10	4.66E+08	97
Pasture	8.46E+12	2.32E+11	97
Forest	3.19E+11	3.19E+11	0

*3) The TMDL considers the impacts of background pollution.*

The TMDL considers the impact of background pollutants by considering the bacteria load from background sources like wildlife.

*4) The TMDL considers critical environmental conditions.*

According to EPA's regulation 40 CFR 130.7 (c)(1), TMDLs are required to take into account critical conditions for stream flow, loading, and water quality parameters. The intent of

this requirement is to ensure that the water quality of Roses Creek is protected during times when it is most vulnerable.

Critical conditions are important because they describe the factors that combine to cause a violation of water quality standards and will help in identifying the actions that may have to be undertaken to meet water quality standards<sup>3</sup>. Critical conditions are a combination of environmental factors (e.g., flow, temperature, etc.), which have an acceptably low frequency of occurrence. In specifying critical conditions in the waterbody, an attempt is made to use a reasonable “worst-case” scenario condition. For example, stream analysis often uses a low-flow (7Q10) design condition because the ability of the waterbody to assimilate pollutants without exhibiting adverse impacts is at a minimum.

The HSPF model was run over a multi-year period to insure that it accounted for a wide range of climatic conditions. The allocations developed in the TMDL will therefore insure that the criteria is attained over a wide range of environmental conditions including wet and dry weather conditions.

*5) The TMDL considers seasonal environmental variations.*

Seasonal variations involve changes in stream flow and loadings as a result of hydrologic and climatological patterns. In the continental United States, seasonally high flows normally occur in early spring from snow melt and spring rain, while seasonally low flows typically occur during the warmer summer and early fall drought periods.

Bacteria loadings also change during the year based on crop cycles, waste application rates, and cattle access patterns. Consistent with our discussion regarding critical conditions, the HSPF model and TMDL analysis effectively considered seasonal environmental variations through the use of observed weather data over an extended period of time and by modifying waste application rates, crop cycles, and livestock practices.

*6) The TMDL includes a margin of safety.*

This requirement is intended to add a level of safety to the modeling process to account for any uncertainty. The MOS may be implicit, built into the modeling process by using conservative modeling assumptions, or explicit, taken as a percentage of the WLA, LA, or TMDL. Virginia included an implicit MOS in the TMDL through the use of conservative modeling assumptions, such as Alberta STP discharging at its permitted limits, in the determination of bacteria loadings and production.

*7) There is a reasonable assurance that the TMDLs can be met.*

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<sup>3</sup>EPA memorandum regarding EPA Actions to Support High Quality TMDLs from Robert H. Wayland III, Director, Office of Wetlands, Oceans, and Watersheds to the Regional Management Division Directors, August 9, 1999.

EPA requires that there be a reasonable assurance that the TMDLs can be implemented. WLAs will be implemented through the NPDES permit process. According to 40 CFR 122.44(d)(1)(vii)(B), the effluent limitations for an NPDES permit must be consistent with the assumptions and requirements of any available WLA for the discharge prepared by the state and approved by EPA. Furthermore, EPA has authority to object to issuance of an NPDES permit that is inconsistent with WLAs established for that point source.

Nonpoint source controls to achieve LAs can be implemented through a number of existing programs such as Section 319 of the CWA, commonly referred to as the Nonpoint Source Program.

*8) The TMDLs have been subject to public participation.*

Two public meetings were held during the development of the TMDL. Both meetings were held in the town of Lawrenceville, Virginia. The meetings were held on November 20, 2003 and March 15, 2004. All of the meetings were announced in the Virginia Register and opened to a thirty-day comment period.